IN THE SUPREME COURT OF THE STATE OF DELAWARE

GREGORY BRYSON-COLES,	§	
	§	No. 192, 2018
Respondent-Below,	§	
Appellant,	§	Court Below—Family Court
	§	of the State of Delaware
v.	§	
	§	Case No.: S1709016876
STATE OF DELAWARE,	§	
	§	
Plaintiff-Below,	§	
Appellee.	§	

Submitted: November 28, 2018
Decided: December 28, 2018

Before **STRINE**, Chief Justice; **VALIHURA** and **TRAYNOR**, Justices.

O R D E R

This 28th day of December, 2018, after careful consideration of the parties' briefs and record on appeal, it appears to the Court that:

(1) The New Castle County Police arrested Gregory Bryson-Coles,[1] who was then seventeen years old, and charged her with unlawfully entering Sarah Snow's residence and stealing jewelry, clothing, footwear, and food.

(2) The Family Court found Bryson-Coles delinquent of burglary in the second degree, theft exceeding $1,500, and criminal mischief less than $1,000 and

[1] The Court assigned this pseudonym to the Appellant in accordance with Supreme Court Rule 7(d). Apparently, the Clerk's office thought that the Appellant is a male. From the record, it is apparent that she is not.

sentenced her to Level V confinement suspended for community supervision for twelve months with extended jurisdiction until she reaches her nineteenth birthday. The court also ordered that Bryson-Coles pay $2,150 in restitution to Snow.

(3) On appeal, Bryson-Coles contends that the prosecution did not present sufficient evidence to support the Family Court's determination that she committed the alleged offenses beyond a reasonable doubt.

(4) Where, as here, an appellant has unsuccessfully challenged the sufficiency of the evidence in the trial court, this Court reviews a similar appellate challenge *de novo* to determine "whether the evidence, viewed in the light most favorable to the State, was sufficient for a rational trier of fact to have found the essential elements of the crime beyond a reasonable doubt."[2] In conducting this analysis, we recognize that it is the "sole province of the fact finder to determine witness credibility, resolve conflicts in testimony and draw any inferences from the proven facts."[3] Moreover, we do not distinguish between direct and circumstantial

[2] *Carter v. State*, 933 A.2d 774, 777 (Del. 2007) (citing *Cline v. State*, 720 A.2d 891, 892 (Del. 1998)); *see also Brown v. State*, 1992 WL 135160, at *2 (Del. Mar. 11, 1992) (citing *Williams v. State*, 539 A.2d 164, 168 (Del. 1998)).
[3] *Newman v. State*, 942 A.2d 588, 595 (Del. 2008) (citing *Poon v. State*, 880 A.2d 236, 238 (Del. 2005)).

evidence.[4] Indeed, "[d]irect evidence is not necessary to establish guilt; circumstantial evidence is sufficient."[5]

(5) The trial record shows that Snow, upon returning to her residence on a late summer afternoon, noticed that the glass panes on her basement door were shattered around the doorknob. Snow had been gone all day, but recalled that when she had left all the windows and doors were closed and locked.

(6) Snow warily entered her residence to "look[] around to see . . . if it was a robbery . . . ."[6] She noticed that the contents of her garage were in disarray and that her weed whacker was missing. Her children's shoes were also missing from a basket in the basement hallway. On the second floor, Snow noticed that jackets and other clothes had been removed from the hall closet and that food was missing from the kitchen cabinets. On the third floor, a pair of Allen Iverson sneakers was missing from the hallway closet. In her bedroom, Snow noticed that clothes and sneakers were missing from her closet, a child's chain was missing from the jewelry box on her dresser, and her teal hooded sweatshirt was no longer hanging on her door. Snow also noticed that a jacket, a pair of jeans, and children's shoes were missing from her son's bedroom closet.

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[4] *Shipley v. State*, 570 A.2d 1159, 1170 (Del. 1990)) ("[T]he fact that most of the State's evidence was circumstantial is irrelevant; 'the Court does not distinguish between direct and circumstantial evidence.'").
[5] *Wright v. State*, 2001 WL 433456, at *3 (Del. Apr. 25, 2001); *see Robertson v. State*, 596 A.2d 1345, 1355 (Del. 1999) (quoting *Shipley*, 570 A. 2d at 1170).
[6] App. to Op. Br. A18.

(7) Thereafter, Snow contacted a friend for "moral support."[7] When the friend arrived, he touched the basement door handle to enter Snow's townhouse. After she expressed to her friend that she believed her neighbor had committed the burglary, Snow confronted that neighbor—Bryson-Coles—at her residence. Snow testified that Bryson-Coles appeared nervous and immediately became frustrated once she was accused. When Snow asked her where she had been on the day of the burglary, Bryson-Coles said that she "just got home."[8] After this interaction, Snow contacted the police. A New Castle County police officer questioned Bryson-Coles, who told him that, contrary to what she had told Snow, she had remained home all day.

(8) Snow testified that no one had permission to enter her townhouse on the day of the burglary. She suspected that Bryson-Coles had committed the burglary because of their prior text messages and conversations. For instance, the day before the burglary, Bryson-Coles asked Snow when she would ordinarily leave and return from work. And just a few weeks before the burglary, Bryson-Coles sent a text message to Snow asking whether she could have any of her shoes and specifically asked Snow if she owned "sneakers with black in them."[9] Additionally, Snow testified that Bryson-Coles had been in her bedroom prior to the burglary and

[7] *Id.* at A47–48.
[8] *Id.* at A68.
[9] *Id.* at A58.

had previously asked Snow if she could have her Allen Iverson sneakers, unused clothes, and New Balance sneakers for her daughter.

(9) The New Castle County Police collected fingerprints from the exterior basement door and a glass nightstand in Snow's bedroom. The police matched the fingerprints on the basement door to Snow's friend and matched the fingerprints on the nightstand to Bryson-Coles. Snow testified that Bryson-Coles never touched her nightstand when she was in her bedroom prior to the burglary nor did she have a reason to touch it.

(10) A few days after the burglary, police executed a search warrant at Bryson-Coles' residence to seize her cell phone and to search for any items that Snow reported as missing. Under a fire pit on Bryson-Coles' back porch, officers found a plastic bag containing some of Snow's missing items. During a photographic identification, Snow confirmed that several items retrieved from Bryson-Coles' residence, including several pairs of sneakers, a purse, and a hooded sweatshirt, belonged to her.

(11) The data from Bryson-Coles' cellphone revealed that Bryson-Coles had sent a text message to an acquaintance on the morning of the burglary stating that, once she put her daughter to sleep, she would "go to the girl['s] house."[10] Bryson-Coles then sent a follow-up text message stating, "I wanted you to come, but okay,

[10] *Id.* at A133.

what size sneakers you wear?"[11] Later that day, Bryson-Coles received a text message asking whether "she have a lot upstairs?" Shortly thereafter, Bryson-Coles replied that items were "in the hallway closet and in her room."[12]

(12) To support a conviction for burglary in the second degree, the State was required to prove beyond a reasonable doubt that Bryson-Coles "knowingly enter[ed] or remain[ed] unlawfully in a dwelling with intent to commit a crime therein."[13] The felony theft conviction requires the State to prove beyond a reasonable doubt that Bryson-Coles "t[ook], exercise[ed] control over or obtain[ed] property of another person intending to deprive that person of it or appropriate it" and that "the value of the property received, retained or disposed of [was] $1,500 or more."[14] Finally, the misdemeanor criminal mischief charge required proof beyond a reasonable doubt that Bryson-Coles "intentionally or recklessly damage[d] tangible property of another person" where the value of the property did not exceed $1,000.[15]

(13) It is clear to us that the Family Court judge could have reasonably concluded that the State had proved beyond a reasonable doubt that Bryson-Coles committed the crimes with which she was charged.

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[11] *Id.* at A134.
[12] *Id.* at A133.
[13] 11 *Del. C.* § 841(a)(1).
[14] 11 *Del. C.* § 841(a), (c)(1).
[15] 11 *Del. C.* § 811(a)(1), (b)(2)–(3).

(14) The evidence established through Snow's testimony and an insurance loss report that the stolen property had a value in excess of the $1,500. A fact-finder could reasonably infer that the person responsible for the unauthorized removal of property from Snow's residence had unlawfully entered the residence through the basement door. Moreover, the Family Court could reasonably conclude from the discovery of some of the stolen property at Bryson-Coles' residence, her prior interest in some of the stolen items, the text messages consistent with Bryson-Coles' involvement, the presence of her fingerprints on Snow's bedroom nightstand, her nervous reaction when confronted by Snow, and her inconsistent description of her whereabouts on the day of the burglary, that Bryson-Coles was the culprit. This evidence viewed in the light most favorable to the State was sufficient for the Family Court to have found the essential elements of the crimes charged beyond a reasonable doubt.

NOW THEREFORE, IT IS ORDERED that the Family Court's adjudication of delinquency is AFFIRMED.

BY THE COURT:

/s/ Gary F. Traynor
Justice